

**REMARKS**

Prior to this Amendment, original claims 1-16 were pending in the Application. Herein, claims 1-3, 13-14, and 16 were amended; claims 9-12 and 15 were cancelled, and claims 17 and 18 were added. Therefore, upon entry of the Amendment, claims 1-8, 13-14 and 16-18 will remain pending in the Application. Entry of this Amendment, reconsideration, and allowance of the pending claims is respectfully requested.

**Specification**

Applicant has amended the specification to correct certain reference numbers, and to remove material unnecessary to supporting the present claims.

**Claims – Objections**

In paragraph 1 of the Office Action, the Examiner objected to claims 9 and 12, citing typographical errors. In response, Applicant notes that claims 9-12 have been canceled.

### Claims – Art Rejections

In paragraphs 2 and 3 of the Office Action, the Examiner rejected claims 1-2, 5-6, 9-13 and 16 under 35 U.S.C. §102(e) as being anticipated by *Collin* (U.S. Pat. No. 6,148,080). In response, Applicant has amended claim 1 to include the limitation that the housing forms an elongated recess on its outer surface. At least one speaker part communicates with the recess so that it is difficult or impossible for a seal to form between the user's ear and the phone. Such a recess is shown, for example in Figures 3-5 of the Application. As should be apparent, the recess need only be elongated to the extent necessary to achieve this anti-sealing purpose, although Figure 3 shows it extending substantially around the perimeter of the speaker phone.

The "parting line", as that term is used herein, is where two housing portions came together in such a way as to create an elongated recess (although it could be otherwise formed). Simply using a two-part housing, however, does not necessarily create the elongated recess. In fact, the phone manufacturer may wish the joining of the housing portions to be nearly imperceptible. Figures 3-7 of *Collin*, for example, appears to teach such a design. (Figure 1 of the present application does not show the housing portions in an assembled condition.)

Claims 2 and 5-6 depend directly or indirectly from claim 1, and are therefore distinguishable from the cited art for the same reasons as claim 1.

Claim 13 has been amended to focus on the anti-sealing feature of using a plurality of spaced-apart speaker ports located on a curved side face (as shown in Figure 4) of the present invention. The curvature of this side face is sufficiently pronounced to reduce or eliminate the possibility of sealing. The openings 24 shown in *Collins* are, in contrast, placed on different sides of the phone and each of the sides forming such an opening is flat, not curved. Claim 16 depends indirectly from claim 13 and therefore contains this distinguishing feature as well (as do new claims 17 and 18).

In light of these amendments, Applicant respectfully suggests that this ground for rejection has been overcome (claims 9-12 having been canceled).

In paragraphs 4 and 5 of the Office Action, the Examiner rejected claims 3-4, 7-8, and 14-15 under 35 U.S.C. §103(a) as being unpatentable over *Collin* in view of Figure 1 of the present Application. In response, Applicant notes that these claims depend from either of claims

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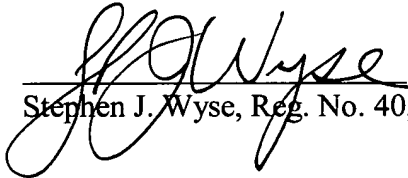
1 or 13, and are therefore distinguishable from *Collin* for the same reason. Figure 1 of the present Application and the related portions of the Specification do not supply these missing features, as mentioned above.

In light of the amendments made herein, Applicants believe that the present Application is in condition for allowance. Allowance of pending claims 1-8, 13-14, and 16-18 is respectfully requested.

Respectfully submitted,

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An **Appendix** following this page includes a replacement Drawing sheet and an annotated Drawing sheet showing the change.